

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

IN RE RECONSIDERATION OF

AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS
FM BROADCAST STATIONS
TO ALLOT CHANNEL 278A TO
CENTERVILLE, TEXAS

OR, IN THE ALTERNATIVE

IN THE MATTER OF AMENDMENT OF SECTION
73.202(B)
TABLE OF ALLOTMENTS,
FM BROADCAST STATIONS
CENTERVILLE, TEXAS

MM Docket No. 99-257 /
RM No. 9683

MM Docket No. ____
RM No. ____

To: Chief, Allocations Branch
Mass Media Bureau

**OPPOSITION TO PETITION FOR
RECONSIDERATION OR ALTERNATIVE
RULEMAKING**

Wolverine Broadcasting ("Wolverine"), by counsel, pursuant to 47 CFR §1.106(g) respectfully submits its *Opposition to Petition for Reconsideration* in response to the *Petition for Reconsideration, Or in the Alternative, Rulemaking* ("Petition") filed on July 25, 2000 by Radio Licensing, Inc. ("RLI"). In support thereof, the following is stated:

I. INTRODUCTION

1. RLI belatedly seeks reconsideration of a rulemaking proceeding that concluded almost a year ago, on October 22, 1999. In another related proceeding, RLI has sought reconsideration of the expiration of a construction

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permit which expired over two years ago.¹ In the latter proceeding, RLI blames the Commission for what turns out to be its own ineptness. In the present case, RLI does not even have those excuses. In the present case, the NPRM was properly published by the Commission. *Centerville and Iowa Park, Texas*, 14 FCC Rcd 11628 (1999), 64 Fed Reg 39965 (1999). The final report and order was also duly published. *Iowa Park, Centerville and Hunt, Texas*, 14 FCC Rcd 18890 (1999), 64 Fed Reg 59124 (1999). Still, RLI chose not to participate at all in the proceeding. Consequently, RLI is not entitled to the extraordinary relief it seeks and the Petition must be denied in its entirety.

II. ARGUMENT

A. RLI is Not Entitled to Reconsideration of MM Docket No. 99-257

2. The only relevant facts in this case are: 1) the NPRM in this docket was duly published for all the world to participate in the proceeding; 2) RLI chose not to file comments in the docket; 3) RLI chose not to file reply comments in the docket, and 4) RLI chose not to seek reconsideration within the statutory period following the release of the Report and Order.

3. RLI offers no excuse for its failure to participate in the rulemaking. At most, RLI points to the circumstances surrounding the cancellation of its construction permit. Those circumstances have no bearing on the instant rulemaking. Therefore, it is neither sound policy nor equity to allow RLI to overturn the results of the rulemaking at this late date.

¹ See Petition, Exhibit 7.

4. As RLI concedes, the deadline for reconsideration is statutory.² The Commission lacks the authority to waive this period. It certainly cannot waive the deadline where, as here, the proponent has failed to offer the slightest reason for not participating in the rulemaking proceeding. Therefore, the RLI Petition must be denied in its entirety.

B. RLI's Alternative Petition for Rulemaking is Defective on its Face

5. As an alternative to reconsideration, RLI would have the Commission initiate a rulemaking proceeding to modify the FM Table of Allotments to substitute Channel 278A for Channel 274 at Centerville, Texas.³ However, there is no expression of interest offered in support of its proposal. RLI apparently has no interest in the channel. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. *Joshua Tree, California*, 4 FCC Rcd 3801 (1989); *Bridport, Vermont*, 5 FCC Rcd 6172 (1990). Therefore, absent a proper expression of interest, the RLI alternative petition for rulemaking cannot be granted.

III. CONCLUSION

6. RLI has shown no basis for obtaining reconsideration of Docket No. 99-257. Nor has it provided the proper foundation for initiating a rulemaking to substitute Channel 274A for Channel 278A. Therefore, the Petition is without merit and must be dismissed in its entirety.

² Petition, p. 4, ¶ 6.

³ Petition, p. 5, ¶ 7.

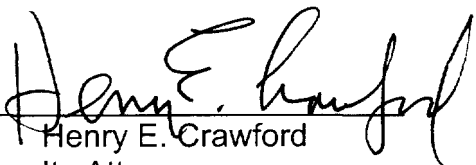
WHEREFORE, Wolverine Broadcasting respectfully requests that the
Petition for Reconsideration, Or in the Alternative, Rulemaking filed by Radio
Licensing, Inc. be denied in its entirety.

August 9, 2000

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Respectfully Submitted,

Wolverine Broadcasting

By: 
Henry E. Crawford
Its Attorney

CERTIFICATE OF SERVICE

I, Angela Y. Powell, do hereby certify that copies of the foregoing
Opposition to Petition for Reconsideration have been served by United States
mail, postage prepaid this 9th day of August, 2000 upon the following:

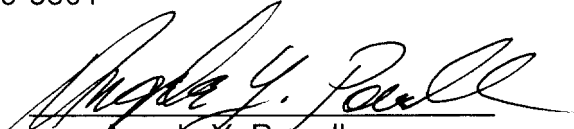
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